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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/490,795      | 01/24/2000  | Gary J. Verdun       | M-8066 US           | 7652             |

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BAKER BOTTS, LLP  
910 LOUISIANA  
HOUSTON, TX 77002-4995

EXAMINER

CONNOLLY, MARK A

ART UNIT

PAPER NUMBER

2185

DATE MAILED: 10/21/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/490,795

Applicant(s)

VERDUN, GARY J.

Examiner

Mark Connolly

Art Unit

2185

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fanning et al U.S. Pat. No. 6330639 in view of Wong-Insley U.S. Pat. No. 6131166.

3. Referring to claim 1, Fanning et al teaches the invention substantially as claimed including:

a. Pooling data processing system memory devices in response to the at least one memory pooling profile [col. 8 lines 55-66].

Fanning et al does not teach recalling at least one memory pooling profile in response to a user input. In summary, the user cannot manually control the performance level of the system memory devices.

Wong-Insley teaches a plurality of pooling profiles, which can be recalled by a system [col. 10 lines 21-34]. The pooling profiles are interpreted as the system power states of Wong-Insley. It would be an obvious modification to Wong-Insley to allow the user to directly choose the appropriate power state in that it would allow the user to customize the performance of the system to their needs.

It would be obvious to an ordinary person skilled in the art at the time the invention was made to modify Fanning et al by allowing a user to select at least one memory pooling profile so that the user could customize the performance of the system to their needs.

4. Referring to claims 2-5, it is well known in the art that applications require different amounts of system memory resources to run properly; therefore it would be obvious that a user input to recall a memory pooling profile would consist of selecting an application to be run or a desired power/performance level.

5. Referring to claims 6-9, Wong-Insley explicitly teaches a range of power/performance levels [col. 10 lines 21-33].

6. Referring to claims 10-11, Fanning et al expressly teaches placing memory devices into different pools, which correspond to the desired states for those memory devices [col. 8 lines 55-62].

7. Referring to claims 12, 15-24, these are rejected on the same basis as set forth hereinabove.

8. Referring to claims 13 and 14, it is obvious that any signal bearing media would bear the means to recall a memory pooling profile in response to a user input. It is inherent that data would need to be provided to recall the memory pooling profile and it is well known that data needs to be stored on signal bearing media. It is well known that data can be stored on signal bearing media comprising a hard disk, CD, ROM, RAM and floppy disk. It is also known that the same data can be transmitted via web site, computer file and RAM

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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U.S. Pat. No. 5615162 to Houston. This teaches making memory cells inactive to conserve power.


U.S. Pat. No. 6079023 to Yoon et al. This teaches disabling selected memory banks in order to conserve power.


U.S. Pat. No. 5928365 to Yoshida. This teaches disabling an unused memory bank to reduce power consumption.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Connolly whose telephone number is (703) 305-7849. The examiner can normally be reached on M-F 8AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas C Lee can be reached on (703) 305-9717. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-5404 for regular communications and (703) 305-5404 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Mark Connolly  
Examiner  
Art Unit 2185  
  
mc  
October 3, 2002

  
THOMAS LEE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100